

Citing a Structural Pest Control Applicator

Date	November 21, 2003
Enclosure to	Enforcement Letter ENF 03-40
Distribution	County agricultural commissioners
Referral	If you have any questions pertaining to this document, please contact your senior pesticide use specialist liaison.
Introduction	<p>County agricultural commissioners levy civil penalties against Structural Pest Control Operators, Field Representatives, and individuals acting as unlicensed licensees.</p> <p>There has been some confusion at to whether county agricultural commissioners may levy civil penalties against structural pest control applicators. They can, as presented below.</p>
Applicator as licensee	<p>Business and Professions Code, section 8507.1.</p> <p>(a) "Structural pest control applicator" is any individual who is licensed by the board to apply a pesticide, rodenticide, or allied chemicals or substances for the purpose of eliminating, exterminating, controlling, or preventing infestation or infections of pests or organisms included in Branch 2 or Branch 3 on behalf of a registered company.</p>
Civil penalty provisions	<p>Business and Professions Code, section 8617.</p> <p>(a) The board or county agricultural commissioners, when acting pursuant to section 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered company, or an unlicensed individual acting as a licensee, may levy an administrative fine up to one thousand dollars (\$1,000) or direct the licensee to attend and pass a board-approved course of instruction at a cost not to exceed the administrative fine, or both, for each violation of this chapter</p>

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Citing a Structural Pest Control Applicator, Continued

**Statute of
limitations**

County agricultural commissioners have one year from date of violation to issue a Structural Civil Penalty, regardless of the respondent, according to the Code of Civil Procedure section 340.

County agricultural commissioners have two years from the date of occurrence of the violation to issue an agricultural civil penalty, according to Food and Agriculture Code section 13000.
